IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21730 of 2004

Between:

Ch.Subrahmanyam, E-54150 S/o.Mallaiah, Vinukonda Depot R/o.Vinukonda, Guntur District.

..... PETITIONER

And

1The APSRTC rep. by its Regional Manager Guntur Region, Guntur.
2 The APSRTC rep by its Depot Manager Vinukonda, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in not granting the selection grade scale stagnation increment to the petitioner on completion of 12 years service is illegal, unjust and arbitrary, contrary to well established principles of law and as such set aside the same by directing the respondents herein to add the stagnation increment to the petitioner on completion of 12 years of service irrespective of his transfer from the date of initial appointment and to pay the arrears by refixing the pay of the petitioner forthwith and to pass.

Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondent No.1 & 2: MR.R.M.REDDY

The Court made the following :

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ORDER:

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Challenging the action of the respondents in not granting the selection grade scale stagnation increment to the petitioner on completion of 12 years, this writ petition has been filed to direct the respondents herein to add the stagnation increment to the petitioner on completion of 12 years of service irrespective of his transfer from the date of initial appointment and to pay the arrears by refixing the pay of the petitioner.

The learned counsel appearing for the petitioner contended that as the petitioner joined in service in the year 1980, he has completed 12 years of service in the year 1992 and the selection grade came into force with effect from 1-5-1989. Therefore, the order under challenge suffers from serious legal infirmity so as to call for interference by this Court.

The learned Standing Counsel opposed the same on the ground that the petitioner was transferred from one region to another region and lost his seniority, as such, he is not entitled for the stagnation increment.

Therefore, it cannot be in dispute that an employee worked in the respondent corporation to get stagnation increment on completion of 12 years service from the date of regularization. In this case, the petitioner was already regularized . A similar question arises for consideration before this Court in the Writ Petition No 5726 of 2000 and a Division Bench of this Court in Writ Appeal No.1301 of 2000 confirmed the orders of the learned Single Judge wherein the employees completed the period of 12 years of service in the same category irrespective of their transfers are entitled for stagnation of increment and accordingly directed the Corporation to consider the cases of the writ petitioners in the light of the observation made by this court in Writ Petition 5726 of 2000.

Following the said judgment, the respondents are directed to consider the

case of the petitioner for granting stagnation increment on completion of 12 years service provided that he completed 12 years service in the same category .

The Writ Petition is, accordingly, allowed. In the circumstances, no costs.

KCB, J

25-11-2004

Stp

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SECTION OFFICER

To

1The APSRTC rep. by its Regional Manager Guntur Region, Guntur.
2 The APSRTC rep by its Depot Manager Vinukonda, Guntur District.

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THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 21730 of 2004

26-11-2004